

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ENEAQUA LEWIS, :

Plaintiff, :

-against- :

ORDER

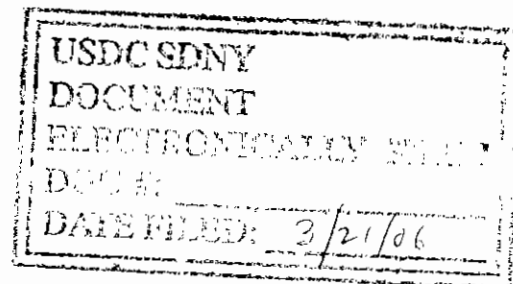
04 Civ. 3696 (RMB)(KNF)

CITY OF NEW YORK, NEW YORK CITY :
CORRECTIONS OFFICER VINES, NEW :
YORK CITY CORRECTIONS OFFICER :
DAWSON, NEW YORK CITY CORREC- :
TIONS OFFICER MARTIN, NEW YORK :
CITY CORRECTIONS OFFICER PALMER, :
NEW YORK CITY CORRECTIONS :
OFFICER MORENO, MARTIN F. HORN, :
personally and as Commissioner of the New :
York City Department of Corrections and :
NEW YORK CITY CORRECTIONS :
OFFICER JANE/JOHN DOE(S) 1-10, :

Defendants. :

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KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE



In order to resolve a controversy that emerged concerning the quantum of data to be disclosed to the plaintiff concerning arrests that involved allegations of assault, attempted assault, obstruction of governmental administration and disorderly conduct, at a New York City Department of Corrections jail facility where the plaintiff was arrested, the Court reviewed, *in camera*, synopses of relevant incident reports involving the defendants named in this action.

Most of the synopses reviewed by the Court discuss instances where visitors to the jail facility attempted to obstruct governmental administration by promoting contraband into the facility and, therefore, did not contain facts relating to the type of assaultive behavior that is the

focus of the case at bar. The incident reports were annotated by counsel to the defendants to indicate, where applicable, that the official records germane to the event described in a synopsis were sealed by operation of law, specifically New York's Criminal Procedure Law, Section 160.50.

Based on its *in camera* review, the Court finds that, in addition to the information heretofore disclosed to the plaintiff, data concerning two events involving assaultive behavior should be disclosed to the plaintiff. Therefore, the records in the defendants' possession concerning an incident occurring on September 5, 2003, for which an incident report was generated on October 9, 2003, involving an inmate identified as Felix Perez, and the records in the defendants' possession concerning an incident occurring on January 17, 2004, for which an incident report was generated on January 29, 2005, involving an inmate identified as Barry Evans, should be disclosed to the plaintiff expeditiously.

Dated: New York, New York
March 21, 2006

SO ORDERED:



KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE

Sent copies via facsimile to:

David A. Zelman, Esq.
Sheryl Bruzzese, Esq.